

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MONADNOCK CONSTRUCTION, INC.,

Plaintiff,

-against-

WESTCHESTER FIRE INSURANCE
COMPANY,

Defendant.
-----X

Case No.: 16 CIV. 00420 (JBW)
ECF Case

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE that upon the annexed Declaration of John J. Sullivan, signed on April 4, 2016, and the exhibits annexed thereto and the accompanying Memorandum of Law, Defendant Westchester Fire Insurance Company will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201 before the Honorable Jack B. Weinstein on April 26, 2016 at 10:00 a.m. or as soon thereafter as counsel can be heard for an Order dismissing the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted, upon the ground that the claims asserted in the complaint are barred by the contractual limitations period.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(b), answering papers must be served within fourteen (14) days.

Dated: New York, New York
April 4, 2016

Respectfully submitted,

COZEN O'CONNOR

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